

CHAPTER 2.

THE MOTOR VEHICLE DIVISION AND STAFF

2.1 History. The Motor Vehicle Division (MVD) is the former Motor Vehicle Commission. In 1991 the Motor Vehicle Commission was merged into the Department of Transportation (TxDOT) and became the Motor Vehicle Division. At that time the Texas Motor Vehicle Commission became the Texas Motor Vehicle Board which was made up of nine members appointed by the Governor for staggered six-year terms. In the 2005 legislative session, the Texas Motor Vehicle Board was dissolved and all functions of the board were placed with the Director of the MVD with the exception of rulemaking which resided with the Texas Transportation Commission.

In 2009, the 81st Legislature extracted the MVD along with three other divisions of TxDOT to form the Texas Department of Motor Vehicles (DMV). The four divisions of TxDOT that compose the new agency are the Motor Vehicle Division, the Motor Carrier Division, the Vehicle Titles and Registration Division, and the Automobile Burglary and Theft Prevention Division. This new agency is governed by a nine-member board appointed by the Governor, composed of three dealers, two of which must be of different types and one of which is an independent dealer; a tax-assessor collector; a member of a municipal or county law enforcement entity; a manufacturer or distributor representative; a motor carrier industry representative; and, two lay persons. This board sets policy and is the final arbiter of Occupation Code cases brought before the agency.

2.2 The Staff. The Motor Vehicle Division staff consists of four sections under the direction of a single director who reports to the DMV Executive Director. The four sections are Administration, Consumer Affairs, Licensing and Enforcement.

a. Administration. Administration supports the other sections with the functions of Human Resources, Purchasing and Accounting.

The Information Center is also under Administration. It is a group of trained individuals who respond to telephone inquiries and direct calls to other people if necessary. The Information Specialists are specially trained to answer all but the most complicated questions received by the division. The Information Center answers more than 10,000 calls a month.

The Administration Section reviews requests for off-site auto shows and exhibitions pursuant to the law, which requires franchised dealers to submit an application thirty (30) days in advance before removing vehicles from their lot to display at auto shows or other places. The requests for off-site shows and displays must be reviewed for conflicts before approval is given.

A team of individuals composing the Scan Center is another part of the Administration Section. This center is responsible for scanning all paper that comes to the division into LACE, the division's paperless computer system.

b. Consumer Affairs. Consumer Affairs administers the Texas Lemon Law. Should a consumer buy a new vehicle and experience ongoing repair problems, he or she may file a complaint with Consumer Affairs seeking repurchase, replacement or repair under the Lemon Law. This section has trained mechanics as case advisors who mediate between consumers and factory representatives. Failing mediation, the complaints are forwarded to SOAH where one of the administrative law judges will travel to the consumer's locale to hold a hearing to determine if the vehicle qualifies for Lemon Law relief.

c. Licensing. The Licensing Section receives, reviews and processes new, renewal and amendment applications for licensees. Their job consists of making sure all new applicants meet the requirements for a license and that applicants for renewals are maintaining the requirements. The many different types of licenses have different requirements and the licensing personnel assist applicants in understanding the distinctions and completing their applications. This section must also determine if any new franchised applicants are within the protest area of an existing dealership and notify all dealers who are eligible to protest a new dealership in this area.

d. Enforcement. Enforcement consists of attorneys and investigators who investigate and prosecute violations of the code and rules. The Enforcement Section receives an average of 5,000 complaints a year from consumers, government agencies, public companies and other licensees.